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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,145	03/15/2001	Gregory P. Coomber	5154	5411

7590 10/27/2004
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EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,145

Applicant(s)

COOMBER ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 24-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 24-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 12, 2004.

Claims 1-34 are pending in the instant application. Claims 1-23 are rejected below.

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Numerous figures (i.e. Figures 3-7 and Figures 10-36) contain improper text and shading, which may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

Claim Rejections - 35 USC §101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claims 1-23. The invention as recited in the claims is merely an abstract idea that is not within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea. Claims 1-13 includes the use of technology (i.e. "a web site system) in a trivial fashion. Claim 1 does not functionally interrelate technology with the method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Donahue Patent Application Publication US 2002/0123941 in view of Henson U.S. Patent Number 6,167,383.

Referring to claim 1. Donahue discloses a method of providing project and/or product information to a purchaser of floor covering materials, the method comprising:

- Providing a web site system that includes a link to a customer specific URL that includes a catalog of project data corresponding to floor covering installation projects for said purchaser of floor covering materials (Donahue: paragraph 0012);
- Identifying one or more users authorized to access the web site system on behalf of said purchaser of floor covering materials (Donahue: paragraph 0017, "A prospective customer or user accesses the floor covering ordering website, enters the requested information to apply for clearance and approval to utilize the website as well as to validate the financial ability of the customer.");
- Assigning to said one or more users personalized registration information (Donahue: paragraph 0017, "If the potential customer or user is approved, they

are able to log on to the website using their user id and password and can proceed with ordering floor covering products, samples, and/or the like.”);

- Establishing a category based listing of data elements accessible by each of said one or more users (Donahue: paragraph 0079);
- In response to an entry of personalized registration information by an individual user, linking said individual user to said customer specific URL (Donahue: Figure 3);
- Receiving a request for project data from said individual user (Donahue: Figure 4 through Figure 7);

Donahue does not expressly disclose a method, the method comprising:

- Correlating the entered registration information to the listing of data elements accessible by said individual user;
- Retrieving a portion of the requested project data corresponding to the listing of data elements accessible by said individual user; and
- Transmitting to said individual user in electronic format said portion of the requested project data corresponding to the listing of data elements accessible by said individual user while excluding data elements not accessible by said individual user.

Henson discloses a method, the method comprising:

- Correlating the entered registration information to the listing of data elements accessible by said individual user (Henson: column 14, lines 4-61);

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- Retrieving a portion of the requested project data corresponding to the listing of data elements accessible by said individual user (Henson: column 14, lines 4-61); and
- Transmitting to said individual user in electronic format said portion of the requested project data corresponding to the listing of data elements accessible by said individual user while excluding data elements not accessible by said individual user (Henson: column 14, lines 4-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Donahue to have included the teachings of Henson as discussed above in order to generate a online store view for a particular customer set, customizable per customer. This customization greatly improves upon accuracy, reliability, and overall quality of an online buying experience (Henson: column 3, lines 36-54).

Referring to claim 2. **Donahue** further discloses a method wherein said purchaser of floor covering materials is an entity having a plurality of business locations (Donahue: Figure 1, "Dealer").

The examiner notes, a "Dealer" as used by Donahue is an entity that purchases and distributes an inventory of goods to a plurality of consumers at a plurality of locations.

Referring to claim 3. **Donahue** further discloses a method wherein the catalog of project data includes data on active floor covering installation projects (Donahue: paragraph 0099).

The Examiner notes, even though Donahue discloses the limitations of claim 3 as indicated supra, the type of data which the catalog includes are only found only in the nonfunctional data stored. Data relating to active floor covering installation projects is not functionally related to the substrate of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claim 4. **Donahue** further discloses a method wherein the catalog of project data includes data on completed floor covering installation projects (Donahue: paragraph 0099).

The Examiner notes, even though Donahue discloses the limitations of claim 4 as indicated supra, the type of data which the catalog includes are only found only in the nonfunctional data stored. Data relating to completed floor covering installation projects is not functionally related to the substrate of the method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

Referring to claim 5. **Donahue** further discloses a method wherein in the "establishing" step, the category based listing of data elements accessible by each of said one or more users is arranged on the basis of geographic location of the floor covering installation projects (Donahue: paragraph 0098).

Referring to claim 6. **Donahue** further discloses a method comprising updating project data during the progression of the floor covering installation projects by entry of

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additional information into a database specific to said purchaser of floor covering materials (Donahue: paragraph 0106).

Referring to claim 7. **Donahue** further discloses a method wherein entry of additional information into the database specific to said purchaser of floor covering materials is carried out by means of a remote data entry system (Donahue: paragraph 0106).

Referring to claim 8. **Donahue** further discloses a method wherein said entry of additional information is carried out by a representative of a manufacturer of said floor covering material (Donahue: Figure 39 through Figure 42).

Referring to claim 9. **Donahue** further discloses a method wherein the customer specific URL further includes a link to means to request quotations for new floor covering installations (Donahue: claim 1).

Referring to claim 10. **Donahue** further discloses a method wherein the customer specific URL further includes a link to a contact page for said individual user to communicate information or messages to a manufacturer of said floor covering materials (Donahue: Figure 39 through Figure 42).

Referring to claim 11. **Donahue** further discloses a method wherein the customer specific URL further includes a link to an order page for said individual user to place an order with a manufacturer of said floor covering materials (Donahue: claim 1).

Referring to claim 12. **Donahue** further discloses a method wherein the web site system is provided by a manufacturer of floor covering materials (Donahue: claim 1).

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Referring to claims 13-23. Claims 13-23 are directed towards a method of providing project and/or product information to a purchaser of floor covering materials, and is rejected under the same rationale as set forth above in claims 1-12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
October 20, 2004